

November 26, 2012

Operations Division  
Regulatory Branch

SUBJECT: (General Permit) NOD-19

GENERAL PERMIT

TIME EXTENSION OF THE GENERAL PERMIT  
FOR PUBLIC BOAT LAUNCH FACILITIES

ORIGINAL EFFECTIVE DATE: 24 September 1982

PROPOSED EXPIRATION DATE: 30 September 2017

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers, the District Commander at New Orleans has determined that it is not contrary to the public interest to issue a general permit time extension to:

Perform work in or affecting navigable waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

This general authorization for the above cited work is granted subject to the following conditions:

- a. This general permit is applicable throughout the New Orleans District.
- b. This general permit is only applicable for public boat launch facilities applied for by local governing bodies, state, and federal agencies.
- c. Under this general permit, applicants are allowed to place sand, gravel, riprap, shell, and concrete for boat ramps; dredge as necessary to install the ramps; place dredged material, hauled shell and/or clean fill to construct parking areas; place erosion control structures along the shoreline; and perform minor dredging necessary for installation of the erosion control works.
- d. Dredge and/or fill material is permitted in wetlands for the parking area provided no more than two (2) acres of wetlands are filled and provided that there are no practical nearby available non-wet sites.
- e. Only dredging necessary to allow construction of the boat ramp and erosion protection devices is allowed under this approval. Dredging of an access channel to serve the boat ramps is not authorized under this general permit.

f. No fill for parking is allowed channelward of the ordinary high water of mean high water shoreline, whichever is applicable.

g. Authority under this general permit does not include approval of access roads to the parking and boat launch facilities.

h. No domestic waste handling facilities are allowed at boat ramps unless approved by the appropriate state or local agency responsible for permitting domestic waste treatment facilities.

i. No work may be performed within 500 feet of a state scenic stream without the written approval of the Louisiana Department of Wildlife and Fisheries.

j. No work may be performed within one mile of a site listed or eligible to be listed on the national Register of Historic Places, or within one-half mile of a known archaeological site, or within one-half mile of any known cultural resource site.

k. No work may be performed in the proximity of a public water supply intake.

l. No work may be performed within any area leased by the Louisiana Department of Wildlife and Fisheries for harvesting oysters without the specific authorization of the leaseholder. Additionally, no work may be performed in public oyster grounds or seed beds.

m. No work may be performed within the boundaries of a national or state wildlife refuge, game management area, or similar area without specific authorization by the manager of the facility or appropriate official at the managing agency.

n. No work may be performed within 1,500 feet of a levee or other flood control facility constructed or maintained with federal funds, or owned and operated by agencies of state or local governments without the written consent of the appropriate agency or governing body.

o. No work may be performed within 500 feet of a weir or other type of water control structure, or in a tidal pass narrower than 30 feet.

p. No activity that is within 0.5 mile of a bald eagle's nest is authorized under this general permit.

q. No work may be performed within 1,500 feet of any known seabird or wading bird nesting colony.

r. Applicants wishing to perform work under authority of this general permit must make written application to the Regulatory Branch of this district office and receive written authorization before commencing work.

Written requests must include a map showing the location of the proposed work and sufficient letter-sized drawings to illustrate the work to be done. Additionally, the applicant should include a report on other sites with no or less wetland acreage that were investigated, and why the other proposed sites were not found to be feasible.

s. This general permit may be suspended, modified, or revoked by the District Commander any time it is found to be in the public interest to do so.

t. The District Commander may choose not to grant approval under this general permit and require the applicant to go through regular permit processing procedures when he finds that such action is in the public interest.

u. Public notice will be advertised for comment any time this permit is modified, revoked, or suspended.

v. If cultural artifacts are discovered at a work site, work must be suspended and notification given by the permittee to the State Historic Preservation Officer. Work may not resume until proper provisions are made for study, preservation, or recovery of the artifacts.

w. Applicable provisions of the regular Department of the Army permit (ENG 1721) are made part of this general permit. A copy of the form is attached.

x. The character of the work authorized by this general permit is illustrated on the attached drawing of a typical installation.

y. Additional conditions may be added to this permit any time it is found to be in the public interest to do so.

z. No work may be performed within an area where mitigation has been implemented as a requirement of a permit action.

aa. The applicant agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, special aquatic sites (including wetlands), and natural environmental values.

bb. The applicant shall permit the District Commander or his authorized representative(s) or designee(s) to make periodic inspections of the project site(s) and disposal site(s) at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

cc. The authorization to perform work under this general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or

regulations, nor does it obviate the requirement to obtain a coastal use permit from the Louisiana Department of Natural Resources, Coastal Management Division, or other state or local assent required by law for the activity authorized herein.

dd. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The applicant will, at his or her expense, install and maintain any safety lights, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized structures or facilities or on equipment used in performing work under the authorization.

ee. Wetlands that are not part of the project site, but that are disturbed during construction, including the temporary crossing of wetland areas, will be restored to their preproject elevations and conditions coincidental to completion of the proposed project.

ff. When work is done by heavy equipment or heavy materials are temporarily stored in wetland areas, mats will be utilized and activities confined to matted areas. When work is complete, the mats will be removed and the site restored to preproject conditions as needed.

gg. The applicant agrees to prosecute the construction of work authorized by this general permit in a manner so as to minimize any degradation of water quality.

hh. Any modification, suspension, or revocation of this general permit shall not be the basis for any claim for damages against the United States.

ii. The applicant assures that any dredged and/or fill material will be, to the best of the applicant's knowledge, free of contaminants.

jj. No activity that is likely to adversely affect federally listed threatened or endangered species, or a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this general permit.

kk. Individual approvals granted under this general permit allow 5 years from the date of the approval to complete the project.

ll. This District office will require compensatory mitigation for loss of wetlands, as appropriate.

mm. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or

alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

nn. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the U.S. Coast Guard, Marine Safety Office, Waterways Management Section so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of the permit and drawings, should be mailed to the Commander (oan), Eighth Coast Guard District Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005, about one month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.

Procedures to be followed in administering this general permit are as follows:

a. Initial contact may be made in person or by telephone. Persons to be contacted and their telephone numbers are:

(1) Chief, Western Evaluation Section  
(504) 862-2261

(2) Chief, Central Evaluation Section  
(504) 862-2276

(3) Chief, Eastern Evaluation Section  
(504) 862-2292

b. Permittee will supply all information necessary to establish a complete file.

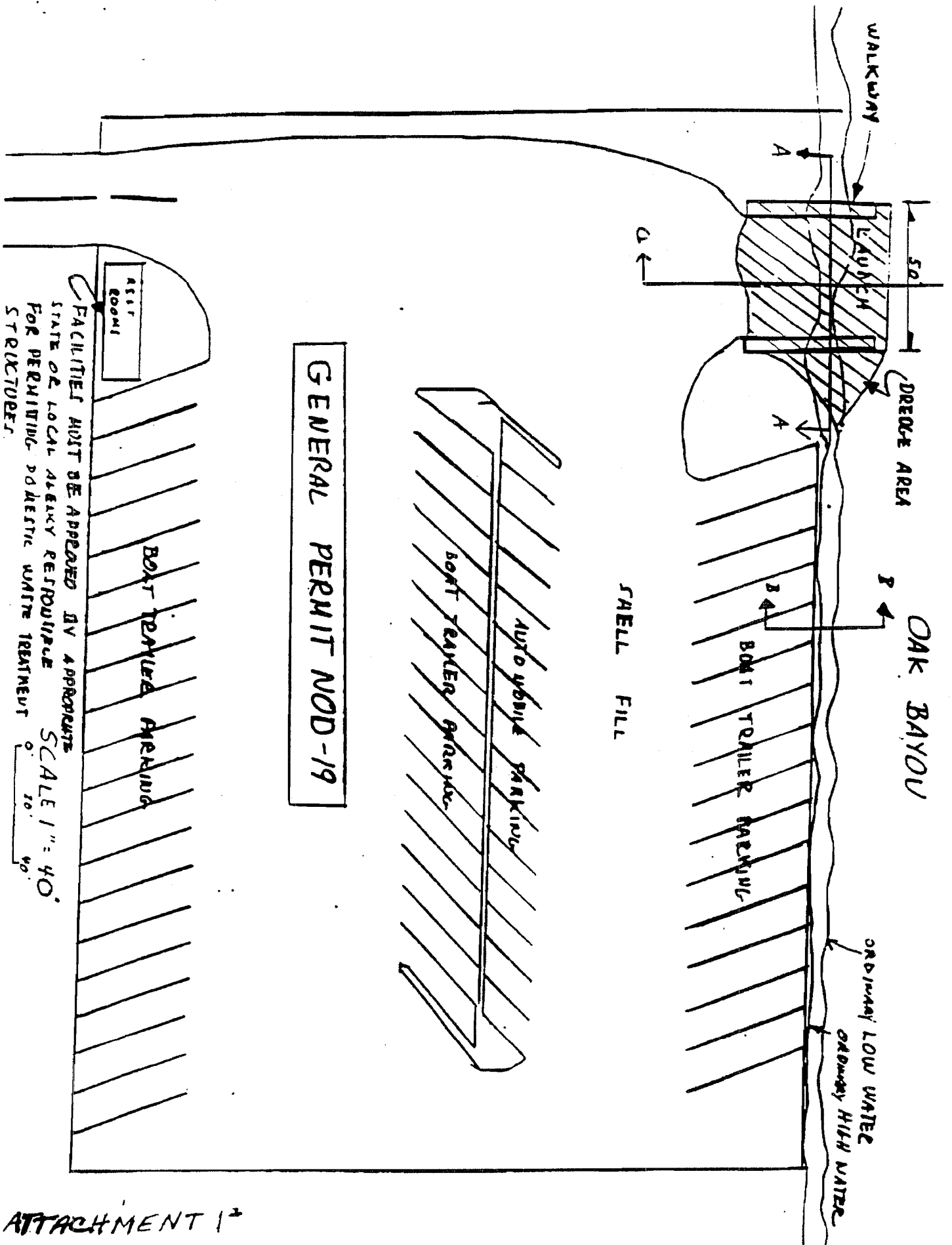
c. Written approval will be granted after all necessary information has been provided.

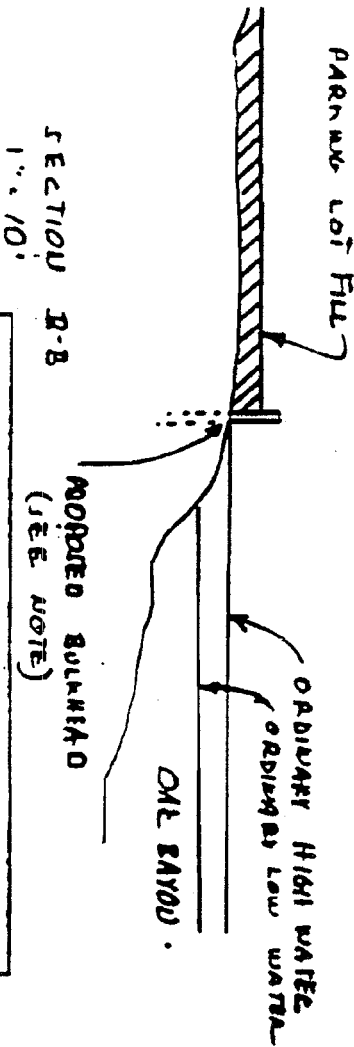
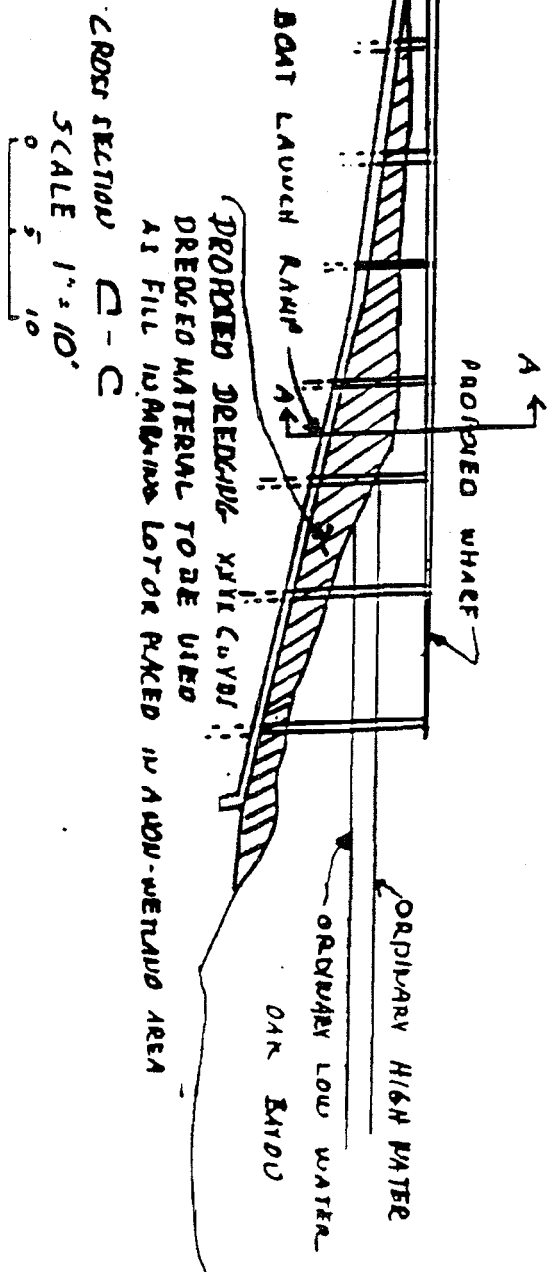
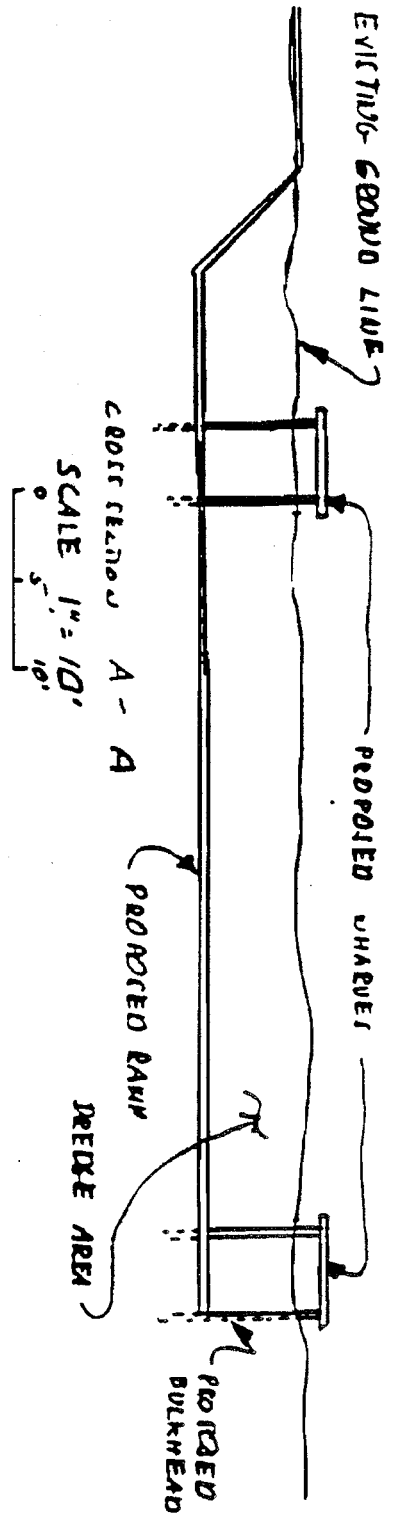
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Pete J. Serio  
Chief, Regulatory Branch  
For  
Edward R. Fleming  
Colonel, U.S. Army  
District Commander

Enclosures

1. Dwgs (3 sheets)
2. ENG Form 1721





GENERAL PERMIT NOD-19

NOTE: FOR EROSION CONTROL THE FOLLOWING SHOULD BE ALLOWED:

1. A BULKHEAD AT OR LANDWARD OF THE ORDINARY HIGH WATER SHORELINE.
2. RIP RAP ALONG SHORE NOT TO EXCEED 1 CUBIC YARD PER RUNNING FOOT.
3. BONDED RIP RAP, CONCRETE MATRASS, OR SIMILAR COMMERICAL PRODUCT. ALLOR DREDGING WOULD BE PERMITTED TO ALLOW UTILIZATION OF THESE MATERIALS PROVIDED DREDGED MATERIAL IS USED FOR PARKING AREA OR PLANTED IN A WETLAND AREA.

ATTACHMENT 2

## DEPARTMENT OF THE ARMY PERMIT

Permittee \_\_\_\_\_

Permit No. (GENERAL PERMIT) NOD-19

Issuing Office \_\_\_\_\_

NOTE: ~~The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee.~~ The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

1. ~~The time limit for completing the work authorized ends on \_\_\_\_\_.~~ If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, ~~although you may make a good faith transfer to a third party in compliance with General Condition 4 below.~~ Should you wish to cease to maintain the authorized activity ~~or should you desire to abandon it without a good faith transfer,~~ you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



~~4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.~~

~~5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.~~

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ ~~Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1416).~~

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. ~~In issuing this permit,~~ the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

~~6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.~~

~~Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.~~

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DISTRICT ENGINEER)

\_\_\_\_\_  
(DATE)

~~When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.~~

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)